
IN THE SENATE OF THE UNITED STATES.

JANUARY 5, 1849.

Read twice, and referred to the Committee on the Judiciary.

JANUARY 12, 1849.

Reported with an amendment, viz: strike out all after the enacting clause, printed within [brackets,] and insert what follows printed in *italics*.

AN ACT

To amend the act entitled "An act supplemental to the act for the admission of the States of Iowa and Florida, into the Union."

1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the United States of America in Congress*
3 *assembled, [That it shall be the duty of the judge of the*
4 *district court of the United States, for the district of Iowa,*
5 *to hold two sessions of the said district court annually, at*
6 *the seat of government of the said State, on the first*
7 *Mondays in December and June, and at each of the said*
8 *sessions he shall have and exercise the same powers and*
9 *jurisdiction as are conferred upon him by the act to which*
10 *this is a supplement, and shall continue each session as*
11 *long as the business of the court requires.]*

1 SEC. 2. *And be it further enacted, [That all causes*

2 actions, suits, writs, process, pleadings or proceeding of
 3 whatsoever nature or kind commenced, instituted, depend-
 4 ing or existing in the said court at the time of the passing
 5 of this act, shall be continued to the next district court
 6 herein directed to be held.]

Passed the House of Representatives: *Jan. 3, 1849.*

Attest:

THO. J. CAMPBELL, *Clerk.*

AMENDMENT.

1 *That, for the purpose of trying all issues of*
 2 *fact, triable by a jury in the district court of the United*
 3 *States for the district of Iowa, as established by the act*
 4 *entitled "An act supplemental to the act for the admis-*
 5 *sion of the States of Iowa and Florida into the Union,"*
 6 *approved third March, eighteen hundred and forty-five,*
 7 *the said district shall be separated into three divisions,*
 8 *as follows, to wit: All that part of said district lying*
 9 *within the Dubuque land district, as altered by the "Act*
 10 *to establish an additional land district in Iowa," ap-*
 11 *proved eighth August, eighteen hundred and forty-six,*
 12 *shall constitute the northern division, and a regular term*
 13 *of said court for said division shall be held annually at*
 14 *Dubuque, to commence on the first Monday in January;*

15 all that part of said district lying within the Iowa land
16 district, as established by the "Act to establish an addi-
17 tional land district in Iowa," approved eighth August,
18 eighteen hundred and forty-six, shall constitute the mid-
19 dle division, and a regular term of said court for this di-
20 vision shall be held annually at Iowa city, to commence on
21 the first Monday in June; and all that part of said district
22 lying within the Des Moines land district, as altered by
23 the "Act to establish an additional land district in Iowa,"
24 approved eighth August, eighteen hundred and forty-six,
25 shall constitute the southern division, and a regular term
26 of said court for this division shall be held annually at
27 Burlington, to commence on the first Monday in Octo-
28 ber; and should the judge of the said district court fail
29 to attend at the time and place of holding any one of the
30 regular terms of the court, for either of the said divisions
31 of the aforesaid district, before the close of the fourth
32 day of any such term, the business pending in such court
33 shall stand adjourned to the next regular term thereof:
34 Provided, That whenever the judge of said court, from
35 any cause, shall fail to hold a regular term of said court
36 for either of said divisions, it shall be his duty, if, in his
37 opinion, the business in said court shall require, to hold
38 an intermediate term of said court, at such time as he
39 shall, by his order, under his hand and seal, direct, ad-

40 dressed to the clerk and marshal of said court, at least
41 thirty days previous to the commencement of said term,
42 and to be published in the several newspapers published
43 in the bounds of said division and district the same
44 length of time; and, at any and all such intermediate
45 terms, the business of any such courts, of every nature
46 and description whatsoever, shall have reference to, and
47 be proceeded with, in the same manner as if the same
48 were a regular term of the said court. And all such is-
49 sues of fact shall be tried at a term of said court to be
50 held in the division wherein the parties are resident, un-
51 less the said court, for good cause shown, shall order such
52 issue to be tried elsewhere within said district. But no-
53 thing herein contained shall prevent the said district
54 court, by general rule, from regulating the venue of tran-
55 sitory actions, either in law or in equity, and from chang-
56 ing the same for a good cause to be shown.

1 SEC. 2. And be it further enacted, That all issues
2 now pending in the said district court shall be tried at
3 the places above prescribed for holding such court, within
4 the division where the cause of action may have arisen,
5 unless otherwise ordered by said court, in pursuance of
6 the authority given in the first section of this act; and no
7 process issued, or proceedings pending, in the said dis-
8 trict court shall be avoided or impaired by this change of

9 *the time and place of holding such court; but all process,*
10 *bail bonds, and recognizances, returnable at the next*
11 *term of the said court, shall be returnable and returned*
12 *to the court next held at the appropriate place, according*
13 *to this act, in the same manner as if so made returnable*
14 *on the face thereof, and shall have full effect accordingly;*
15 *and all continuances may be made to conform to the*
16 *provisions of this act.*

1 SEC. 3. *And be it further enacted, That all suits*
2 *hereafter to be brought in the said district court, not of a*
3 *local nature, shall be brought in a court of the division*
4 *of the district where the defendant resides; but if there*
5 *be more than one defendant, and they reside in different*
6 *divisions of the district, the plaintiff may sue in either*
7 *division, and send duplicate writ or writs to the other de-*
8 *fendants; on which the plaintiff or his attorney shall*
9 *endorse that the writ thus sent is a copy of a writ sued*
10 *out of a court of the proper division of the said district;*
11 *and the said writs, when executed and returned into the*
12 *office from which they issued, shall constitute one suit,*
13 *and be proceeded in accordingly.*

1 SEC. 4. *And be it further enacted, That it shall be*
2 *lawful for the clerk of the district court for the district*
3 *of Iowa to appoint a deputy at each of the places pre-*
4 *scribed for holding terms of the said court, who, in his*

5 absence, may exercise all the official powers of the said
 6 clerk, at the place and within the division of the said dis-
 7 trict for which he may have been appointed. And such
 8 deputy, before he enters on the discharge of his duties,
 9 shall take the usual oath for the faithful performance of
 10 his duties as such deputy. And nothing herein contained
 11 shall be held to excuse or release the said clerk from
 12 legal responsibility for acts performed by his said deputy,
 13 in behalf of said clerk in the office aforesaid.

1 SEC. 5. And be it further enacted, That the district
 2 attorney and marshal of the district of Iowa shall, re-
 3 spectively, perform the duties of district attorney and
 4 marshal of and for the northern, middle, and southern
 5 divisions of the district of Iowa, as established by this
 6 act; and the said marshal shall keep an office at each of
 7 the places where the sessions of the said district court
 8 are directed to be held, and his charges for mileage in
 9 the execution of the duties of his office within the said
 10 district shall be computed from the city of Iowa.

1 SEC. 6. And be it further enacted, That in addition
 2 to the ordinary jurisdiction and powers of a district court
 3 of the United States, with which the district court of Iowa
 4 has been invested, it be, and is hereby, invested, within
 5 the limits of said district, with the exercise of concur-
 6 rent jurisdiction and power in all civil cases now ex-

exercised by the circuit courts of the United States ; and that in all cases where said court shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said court to the Supreme Court of the United States, in the same manner and upon the same conditions as appeals may be taken from the circuit courts.

SEC. 7. And be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.